

### REMARKS

Applicant presents the foregoing amendments to the claims following the final Office Action dated November 19, 2009.

In the final Action, the Examiner cites to U.S. Patent No. 6,320,148 to Yoon et al. as disclosing an electric field, contending that it would be “obvious” to provide such in the device of Bright et al. However, this electric field in Yoon is used for separating, not charging particles. *See* Yoon, col. 3, lines 31-43 (“When the charge becomes sufficiently high relative to the mass of the particle, it will be repelled from the electrode and at the same time be attracted by the counter electrode located above, causing the particle to jump off the bottom electrode.”). Therefore, the Examiner’s statement that the Yoon device “utilizes an electric field . . . to charge conducting particles” is not factually supported, and the stated reason for combining Yoon with Bright et al. (“to charge more particle”) does not qualify as a proper reason with a rational underpinning for combining the teachings of these references. In other words, there is no evidence that providing the electric field of Yoon in the device of Bright et al. would “charge more particle[s]” or that there is any reason a skilled artisan would find it necessary to modify the Bright et al. apparatus in this manner.

None of the references cited propose an electric field in combination with a chamber including a tribocharging rotor, and the Examiner does not contend otherwise, or point to any disclosure that would support the finding that this invention when considered as a whole would be obvious to a skilled artisan. Accordingly, the amended claims as presented above distinguish over all references of record. Entry of these amendments is proper, as they simply incorporate details of the dependent claims and place the claims in better form for purposes of appeal.

Upon review, it is believed the Examiner will agree that all claims patentably distinguish over the art of record and should be allowed. To the extent questions remain,

the Examiner is invited to call the undersigned representative. *If any fees are due, the undersigned authorizes their deduction from deposit account number 11-0978.*

Respectfully submitted,

**KING & SCHICKLI, PLLC**

A handwritten signature in black ink, appearing to read "Andrew D. Dorisio", is written over the firm name.

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